

Glacier Pack Train

Correspondence



United States
Department of
Agriculture

Forest
Service

Inyo National Forest

White Mtn. Ranger District
798 N. Main St.
Bishop, CA 93514
(760) 873-2500
(760) 873-2501-TDD

File Code: 2720

Date: December 16, 2013

Glacier Pack Train
PO Box 321
Big Pine, CA 93513

CERTIFIED MAIL - RETURN
RECEIPT REQUESTED
NUMBER: 7008 1300 0000 0718 9437

Dear Mr. and Mrs. Murton A. Stewart Jr. and Murton A. Stewart III:

This is formal notification that you are in noncompliance with the terms and conditions of the special use authorization issued to you on May 13, 2010, for the purpose of operating and maintaining a commercial pack station on the Inyo National Forest. Our record indicates that you are in non-compliance with the following clauses of your authorization:

1. **Clause I. C: RULES, LAWS, AND ORDINANCES.** The holder in exercising the privileges granted by this term permit shall comply with all present and future Federal laws and regulations and all present and future state, county, and municipal laws, ordinances, and regulations that apply to the area or operations covered by this permit, to the extent they do not conflict with Federal law, policy, or regulation. The Forest Service assumes no responsibility for enforcing laws, regulations, ordinances, and the like that fall under the jurisdiction of other governmental entities.
2. **2013 Annual Operating Plan Clause IV. A. 6:** "It is the pack station's responsibility to verify that its client has a valid wilderness permit before service is provided."

Included on your September actual use report (tally sheet) was wilderness permit #6-1694336 with a reported entry date of September 18, 2013. In fact, the wilderness permit has a specified entry date of October 18, 2013. In a November 13, 2013 telephone conversation with your permit administrator, Murton A. Stewart III confirmed that the party was serviced on September 18, 2013. The permit office issued the permit as requested. The party entered the wilderness with an invalid permit.

Not obtaining the necessary wilderness permit is a violation of Forest Order Number R5-92-1 which reads "The following acts are prohibited...: Camping in the Ansel Adams, Dinkey Lakes, John Muir, Hoover, Kaiser, Golden Trout... Wilderness Areas without a valid Visitor's Permit. 36 CFR 261.58(e)".

To remedy this noncompliance, valid wilderness permits must be obtained for all trips during the 2014 season. Subsequent violations of this requirement will result in an unacceptable performance rating and may result in additional administrative actions, such as a reduction of allotted service days.



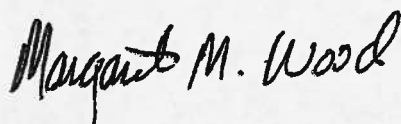
This notice of noncompliance regarding the violations listed serves as an opportunity for you to take corrective action, but does not constitute a decision that affects your authorized use or occupancy.

In addition to the incorrect date of entry, this, and one other, party were serviced up the Birch Lake Trail. Wilderness permits were issued by the Forest Service without having the appropriate trail use authorizations in place. Because permits were issued without specific case by case approval, there was no subsequent contemporaneous memorandum prepared, as required by the court injunction. This will be documented in our files, and be made publically known through the annual summary report required by the court

If you have any questions regarding this letter, please contact your permit administrator, Carmen John at 760-920-2510, or you may call me directly at 760-873-2515.

Sincerely,

MARGARET WOOD
District Ranger

A handwritten signature in cursive script that reads "Margaret M. Wood".

cc: files

enclosures: Permit #6-1694336, copies of original tally sheets



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Route To:

Date: December 16, 2013

Subject: Wilderness permits issued without case by case approval

To: Files

This memo is to acknowledge that the Inyo National Forest Wilderness Permit Office issued two wilderness permits for commercial services entering the Birch Lake Trail without documentation of prior approval for such use. The Birch Lake Trail is listed in the 2001 John Muir, Ansel Adams and Dinkey Lakes Wilderness FEIS as a trail requiring case by case itinerary approval for commercial use.

The permits were issued to Glacier Pack Train, who believed that their request had been provided to the District Ranger. In fact, a request for approval for South Sierra Wilderness itineraries was submitted and approved. However, the district has no evidence that a Birch Lake itinerary request was submitted. The two permits were erroneously issued at the same time the other approved itinerary permits were issued. The commercial service provided was specifically to support hunters with valid state hunt tags within the California State Hunt Zone X9b. Glacier Pack Train has been providing such service for many years.

The May 8, 2008 Order for Injunctive Relief issued by the United States District Court for the Northern District of California specifies that should case by case itinerary approval be granted, a publicly available forest memorandum shall be prepared contemporaneously. This memorandum is typically provided to the permit office as documentation of my approval. In this case, itinerary approval requests were not received at my office, therefore, a memorandum was not prepared.

MARGARET M. WOOD
District Ranger

